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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/691,163      | 10/19/2000  | Hyun Goo Lee         | P-141               | 4581             |

7590

05/03/2004

Fleshner & Kim, LLP  
14500 Avion Parkway  
Suite 125  
Chantilly, VA 20151

| EXAMINER |
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WILSON, ROBERT W

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2661

DATE MAILED: 05/03/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/691,163

Applicant(s)

LEE, HYUN GOO

Examiner

Robert W Wilson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 October 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

**1.0** The application of Hyun Goo Lee entitled "METHOD FOR HANDOFF OF MEDIUM RATE DATA CALL IN MOBILE COMMUNICATION SYSTEM" filed on 10/19/2000 with foreign priority based upon 45870/1999 from Korea with a priority date of 10/21/1999 was examined. Claims 1-9 are pending.

### Drawings

**2.0** The drawings were reviewed by the draftsman and designated as formal.

### *Claim Rejections - 35 USC § 112*

**3.0** The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 1-9** are rejected relative to 112/2<sup>nd</sup> paragraph because the metes and bounds of the claims cannot be assessed.

Referring to **Claim 1**, What is meant by using "the step in which" twice in claim 1? Are both of these references to the same step or different steps, ie, "a first step" and later on "a second step". If they are a reference to the same step then the second reference should be the "the said step in which".

Referring to **Claim 1**, What is meant by "the SCH is not allocated among the BTS in an active set"? Does this mean that the measurement of the pilot strength of the BTS associated in which the SCH has already been assigned to a BTS is measured first and next the Pilot from other BTS in which the SCH has been allocated or assigned are measured from a set of BTS which are active? What is meant by "active set"?

Referring to **Claim 2**, What is meant by "separately performed"? Does this mean that handoff procedure is performed independently for handoff of FCH from SCH relative to the same mobile or are these procedures performed independently from one mobile to another mobile?

Referring to **Claim 3**, What is meant by "having a pilot strength enough to combine". Does this mean that each pilot signal is thresholded and if it is greater than a threshold it is added to the

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other pilot signals” or does this mean that all of the pilot signals are added together and then thresholded?

Referring to **Claim 4**, What is meant by “SCH is not allocated among the BTS in an active set”? What makes up an active set? When is a set considered active?

Referring to **Claim 5**, What is meant by “if the allocation of the SCH is required as the result of the analysis”? How would one know based upon analysis that the SCH should be allocated?

Referring to **Claim 5**, What is meant by the “the active set are not allocated to the SCH”?

Referring to **Claim 5**, What is meant by “when a DROP of the BTS to which the SCH is allocated is required as the result of the analysis”? When does one know as a result of the analysis that the SCH which is assigned or allocated should be dropped?

Referring to **Claim 6**, What is meant by “and the release of the SCH resource from the BTS to which a SCH is allocated is performed”? Should the SCH resource be released with the performance of the SCH pilot is not performing to a certain threshold?

Referring to **Claim 7**, What is meant by “it is judged that a new pilot signal having a pilot strength larger than the pilot strength of the BTS to which a SCH is allocated is to be added”? What does it mean that the “SCH is allocated is to be added”?

Referring to **Claim 8**, What is meant by “wherein the reference threshold,...handoff”?

Referring to **Claim 9**, What is meant by “prevent an excessive waste of radio resources”? Does this mean waste of computational resources?

### *Conclusion*

**4.0** The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Huang et. al. , Patent No.: 6,590,879, dated July 8, 2003 in which he discloses measuring pilot signals from a base station and sending of a PSMM signal by a mobile for pilot signals associated with a FCH and DCCH. Independent handoffs are performed for the same mobile for the FCH and DCCH. Huang also discloses the handoff associated with SCH channels but the handoffs for the SCH are performed based upon pilot measurement constraints associated with

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the DCCH and FCH channel. The examiner considered rejecting applicants claims based upon the teaching associated with the DCCH channel but did not deem this appropriate because the SCH was also taught by Huang.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert W Wilson whose telephone number is (703) 305-4102. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas Olms can be reached on (703) 305-4703. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.



Robert W Wilson  
Examiner  
Art Unit 2661

April 20, 2004  
RWW



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